

2013 DRAFTING REQUEST

Bill

Received: **1/8/2013** Received By: **phurley**
Wanted: **As time permits** Same as LRB:
For: **Sandy Pasch (608) 266-7671** By/Representing: **Fred**
May Contact: Drafter: **phurley**
Subject: **Courts - limitations** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Pasch@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Statute of limitations for sex assault of a child

Instructions:

11-3428

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 1/8/2013	jdyer 1/22/2013	rschluet 1/22/2013	_____			
/1				_____	sbasford 1/22/2013	lparisi 6/28/2013	

FE Sent For:

*None
needed*

<END>

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3428/1A

PJH:kjhrs

2013 BILL

2011 ASSEMBLY BILL 461

PLWF

1-8-13

1056/1
mnr

January 6, 2012 – Introduced by Representatives PASCH, C. TAYLOR, STONE, GRIGSBY, SPANBAUER, HEBL, DOYLE, RICHARDS, MASON, BERCEAU, BEWLEY, RINGHAND, VRUWINK, FIELDS, POPE-ROBERTS, ROYS, SINICKI, HINTZ and ZEPNICK, cosponsored by Senators LASSA, TAYLOR, SCHULTZ, OLSEN, S. COGGS and KING. Referred to Committee on Criminal Justice and Corrections.

4

Gen

- 1 AN ACT *to renumber and amend* 893.587; and *to create* 893.587 (1) and
2 893.587 (3) of the statutes; **relating to:** the statute of limitations for sexual
3 contact with a child.

Analysis by the Legislative Reference Bureau

Under current law, the time a person has to bring an action (the statute of limitations) for an injury resulting from being sexually assaulted or subject to incest as a child, or from being subject to sexual contact by a member of the clergy as a child, is any time before the injured party reaches the age of 35.

This bill removes the time limit for bringing those actions. In addition, the bill applies this unlimited time period to a broader range of actions. Under the bill, there is no limit on the time a person has to bring an action for injury resulting from being subject, as a child, to any sexual contact by an adult or by an adult member of the clergy. The bill also revives any cause of action that was barred by the present statute of limitations and allows an injured party to bring that action for his or her injury within two years after the effective date of the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 893.587 of the statutes is renumbered 893.587 (2) and amended to
5 read:

ASSEMBLY BILL 461

SECTION 1

1 893.587 (2) An action to recover damages against any person [✓] for injury caused
2 by ^{plain} ~~an act that would constitute a violation of s. 948.02, 948.025, 948.06, 948.085, or~~
3 ~~948.095~~ ^e an adult's sexual contact with anyone under the age of 18 [✓] or by an act
4 committed by an adult that would create a cause of action under s. 895.442 ~~shall~~ may
5 be commenced ~~before the injured party reaches the age of 35 years or be barred at~~
6 any time. [✓]

7 ~~SECTION 2.~~ ^x 893.587 (1) of the statutes is created to read:

8 893.587 (1) [✓] In this section:

9 (a) [✓] "Person" means an individual, corporation, business trust, estate, trust,
10 partnership, limited liability company, association, joint venture, or government; [✓]
11 governmental subdivision, agency, or instrumentality; [✓] public corporation; or any
12 other legal or commercial entity.

13 (b) [✓] "Sexual contact" has the meaning given in s. 940.225 (5) (b). [✓]

14 ~~SECTION 3.~~ ^x 893.587 (3) of the statutes is created to read:

15 893.587 (3) A cause of action described under sub. (2) [✓] that was barred by a
16 statute of limitations or a time limit in effect before the effective date of this
17 subsection [✓] [LRB inserts date], is revived and that action may be commenced
18 within [✓] 2 years after the effective date of this subsection [✓] [LRB inserts date].

19 (END)

Parisi, Lori

From: Rep.Pasch
Sent: Thursday, June 27, 2013 2:39 PM
To: LRB.Legal
Subject: Draft Review: LRB -1056/1 Topic: Statute of limitations for sex assault of a child

Please Jacket LRB -1056/1 for the ASSEMBLY.